

 Aldaview Services Abuse Policy	POLICY #:	P.D. 7.7
	PAGE:	1 of 9
MANUAL Aldaview Program Delivery	APPROVED BY:	Executive Director
ORIGINAL ISSUE: August 1, 2012 PAST REVISIONS: September 1, 2014	CURRENT REVISION:	June 25, 2020

**Policy:**

Any abuse of clients is unacceptable and will not be tolerated or condoned by Aldaview Services. Attention is required in order to ensure a physically and psychologically safe environment free of abuse of any description. All employees are urged to consider the consequences of incidents of abuse toward any of the individuals supported in any of the agency programs. Aldaview Services has a zero tolerance for any form of abuse. All suspicions, allegations and witnessed abuse that may constitute criminal intent will be reported to the police.

**Purpose:**

The primary focus of this policy in accordance with Bill 299/10 is to provide general guidelines and information around abuse reporting, definitions, and signs and symptoms. Due to the nature of the people supported with varying levels or abilities and communication skills, it is critical that all employees remain alert and observant of each of the people supported. It is important to understand who each unique person is, and act as a strong advocate, and in turn develop the awareness and ability to identify when something is wrong. Additionally, Aldaview will continue to support the client when a report is made, during the process and after the investigation is completed.

**Definitions:**

1. Harassment:  
Comments, conduct, or gestures that are insulting, intimidating, humiliating, malicious, degrading, offensive, or discriminatory, directed toward an individual or group of individuals.
2. Sexual Harassment:  
Comments or conduct of a sexual nature undertaken with the intent of causing offence or humiliation. It is important to recognize that people with disabilities often do not choose to live within care and cannot often choose to leave care, the atmosphere of respect that comes from purposefully avoiding jokes or language that others might find distressing is important to foster.
3. Abuse:  
The unwarranted and/or inappropriate use of physical force, psychological stress or sexual involvement, or any unwarranted inappropriate act of omission, or seclusion by employees and includes action, which leaves no physical scars, but results in emotional damage.
4. Sexual Abuse:  
Sexual abuse is the unwanted touching of a person's sexual body parts. The lack of consent is the defining feature. Here it is important to note that the hierarchy makes it impossible for there to be consent between a person with a disability and their care provider.

 Aldaview Services Abuse Policy	POLICY #:	P.D. 7.7
	PAGE:	2 of 9
MANUAL Aldaview Program Delivery	APPROVED BY:	Executive Director
ORIGINAL ISSUE: August 1, 2012 PAST REVISIONS: September 1, 2014	CURRENT REVISION:	June 25, 2020

5. **Physical Abuse:**  
Acts of assault or threats of assault, such as hitting, slapping, and burning that cause or could cause physical injury or fear of physical injury. An intellectual or physical disability often results in a need for people to be physically close to personal assistance. Physical abuse is more terrifying for those who cannot, physically, flee or escape.
6. **Verbal Abuse**  
Demeaning language, name calling, or negative verbal depictions of disability or attractiveness are all forms of verbal abuse. Words like 'retard' or 'spaz' cause considerable hurt and are never acceptable.
7. **Emotional Abuse**  
The constant criticism, insulting, threatening, degrading, humiliating, intimidation or terrorizing of a person. Of all the 'abuses' this is the most difficult to define. Emotional abuse is the misuse of power, in any way, to cause a person to lose respect for self. Any other form of abuse is also emotional abuse.
8. **Financial Abuse**  
The misuse or misappropriation of someone's financial assets for personal gain. It is never acceptable to 'borrow' money from someone who is under your care as the power imbalance makes it difficult for the individual to simply say 'no'.
9. **Spiritual Abuse**  
The demeaning of another's faith or the imposition of care providers faith into the life of the person with a disability. Forced religious activity or the denial of religious activity.
10. **Neglect**  
The failure to provide the necessities of life such as food, clothing, shelter, care or supervision. Individuals supported by Aldaview Services have a right to expect that their basic needs will be met, and they will be provided with the supervision which is appropriate to their age and their developmental and intellectual needs.
11. **Exploitation**  
Taking advantage of a person's disability to trick or manipulate for personal benefit. The persuasion to do things that are illegal or not in the individual's best interest.

## **Procedure:**

### **1. Awareness of Abuse Policy**

#### **a. Orientation:**

- i. All board members will be provided with a high-level overview of the abuse policy and training and education that will be conducted

#### **b. Training:**

- i. All employees, volunteers, and board members who have direct contact with persons with disabilities will be trained on the abuse policy and demonstrate an awareness of what steps are to take when reporting abuse.

 Aldaview Services Abuse Policy	POLICY #:	P.D. 7.7
	PAGE:	3 of 9
MANUAL Aldaview Program Delivery	APPROVED BY:	Executive Director
ORIGINAL ISSUE: August 1, 2012 PAST REVISIONS: September 1, 2014	CURRENT REVISION:	June 25, 2020

**c. Education:**

- i. All individuals who receive service will also be made aware of this policy in a way to help them best understand what abuse is and how to properly report abuse.

- d. All employees and participants are required to review the abuse policy yearly.

**2. Determining reasonable suspicion of Abuse**

Suspicious of abuse may take on different forms. It may be, but is not limited to:

- As a result of the appearance or behaviour of a person
- The abuse may be clearly recognized
- There may be thoughts as to whether possible abuse has occurred.

In reporting abuse, all persons must understand what constitutes a reasonable suspicion of abuse. You may need to ask some questions in the determination of reasonable suspicion. The following guidelines are designed to assist in determining a reasonable suspicion.

- a. Direct evidence, such as bruising, torn clothing, bleeding from vaginal or anal orifices
- b. Certain areas of bruising are highly suspicious as well as repeat bruising or injuries on a person that is physically incapable of moving independently. Areas of suspicious bruising include the inner thighs, back of legs, eyes, upper arms, and upper back.
- c. The human body is shaped in a way that when someone falls, the typical areas of injury are the knees, shins, hands, and forehead. These latter injuries should be monitored and documented to see if there is a pattern that may indicate possible abuse, or if a medical condition needs further exploration that would explain this type of bruising (poor gait or balance, vision limitations). This is part of determining "reasonable suspicion".
- d. If there is suspicion of abuse without direct evidence, such as a change in behaviour, it must be well documented and tracked. A pattern may develop that may provide enough suspicion of possible abuse.
- e. If you suspect that someone is being abused but is not talking about it, do not ask them direct questions such as; did someone hurt you? Rather ask general questions such as; how are things going? Ensure the person has had training in how to report abuse.

A person who is being abused may not tell anyone for a variety of reasons including:

- a. they don't realize that abuse is happening
- b. they fear the abuse
- c. they fear getting into trouble
- d. they are never believed so why should they report
- e. they don't know how to tell
- f. they may have been threatened by the abuser not to say anything.

**3. Communication:**

- a. All employees will be made aware of the policy and zero tolerance for abuse and how to report an incident.

 Aldaview Services Abuse Policy	POLICY #:	P.D. 7.7
	PAGE:	4 of 9
MANUAL Aldaview Program Delivery	APPROVED BY:	Executive Director
ORIGINAL ISSUE: August 1, 2012	CURRENT REVISION: June 25, 2020	
PAST REVISIONS: September 1, 2014		

- b. In order to prevent or reduce the possibility of contamination of evidence allegations of abuse are not be discussed beyond leadership for the purpose of fact-finding and/or determining the need to report to police.
- c. If the police initiate an investigation, they will indicate what info can be shared with others. If the person can make informed decisions, it is their decision whether they wish to notify anyone that they have reported abuse. If this person does not give consent for an employee to notify family, staff must comply with that persons' decision to keep the reported abuse confidential. Whether they wish to share the information or not this decision must be documented in the clients file. If the person who has been allegedly abused is not capable of making their own decisions on whom to inform, the family or substitute decision maker must be notified. The Executive Director will determine who will inform the family.

#### 4. Reporting:

- a. Aldaview recognizes that it can be extremely difficult to report abuse and that it can be devastating to be wrongly convicted of such an occurrence.
  - i. Aldaview recognizes the interests of both the complainant (abused person) and the respondent (alleged abuser) is essential in keeping the matter confidential.
  - ii. Confidentiality will be maintained throughout the process to the extent practicable and appropriate under the circumstances.
  - iii. All records, notes and files will be kept confidential except where disclosure is required by a disciplinary or other remedial process, or as is required by law. An individual with a disability, like any other citizen, has reasonable expectations of privacy. In reference to sexual offenses or being a victim of abuse a provision of the Criminal Code, specifically section 278.1 to 278.91 makes it clear that the agency's records regarding an individual are made with the expectation of privacy. The Criminal Code also has provisions which strictly limit evidence of a victim's sexual history. Thus said, documents cannot be released unless there has been a court procedure (such as a subpoena that requires the release of files or documents or if the individual has given permission for them to be so released.
  - iv. Any request for the release of files or records must be directed to the Executive Director or designate in their absence.
- b. When a report of abuse is brought to the attention of an employee or if abuse is directly witnessed employees are not to ask questions or discuss what happened, or probe for more details beyond that of "fact finding" either with the person abused or the alleged abuser. If an employee is unclear if abuse occurred, he/she can ask non leading questions for the purpose of fact finding. As soon as an individual provides enough information that indicates suspected abuse, the employee must stop asking questions and contact their Manager or in their absence the manager on-call. Direct support staff should make no attempt to diagnose a situation, imply responsibility or confirm abuse.

 Aldaview Services Abuse Policy	POLICY #:	P.D. 7.7
	PAGE:	5 of 9
MANUAL Aldaview Program Delivery	APPROVED BY:	Executive Director
ORIGINAL ISSUE: August 1, 2012 PAST REVISIONS: September 1, 2014	CURRENT REVISION:	June 25, 2020

- c. Based on the information provided Aldaview Leadership will determine whether a call to police should be made. In situations where it is not clear whether there is criminal intent the police will be consulted to determine if the abuse is reportable. The police are to be contacted regardless of whether the abused person wants it reported. Confidentiality is imperative. Reporting abuse will be considered confidential and no reprisal will be made against the person coming forward with an allegation except where there is malicious intent.
  - d. The employee will complete a file note and include the following that apply:
    - i. Description of any injury observed including size, shape, colour and location on the body. The description should be clear enough to visualize the injury;
    - ii. drastic changes in the person's behaviour;
    - iii. direct quotes from a person when they concern suspected injury, neglect or emotional maltreatment;
    - iv. changes or chronic problems in a person's appearance or health;
    - v. direct quotes from a parent / friend related to abuse or neglect;
    - vi. any additional pertinent information.
    - vii. Police notification and police actions taken.
    - viii. The completed file note is to be given to the Manager, who will then complete and submit a Serious Occurrence to MCCSS as required.
    - ix. The original file note will be kept at the Main Office in the clients file as this will prevent any contamination of evidence. No copy will be kept at the program location or be left on an agency computer. A note will be placed on the clients file by the Manager indicating that an allegation of abuse has been made and that documentation directly related to the allegation are in the client's original file.
  - e. Any use of emergency restraints and reporting of such will be in accordance with Aldaview's Physical Restraints Policy. Other forms of physical force (outside of the methods approved through NVCI) will be considered abuse.
  - f. If police proceed with an investigation, then no internal investigation or questioning of what happened should occur until the police have completed their investigation. During this time the alleged abuser should have no further access to the victim. (Bill 299/10)
- 5. Response related to an Allegation:**
- a. Each situation will be managed on an individual basis, however all allegations of abuse with criminal intent will be reported to the police
  - b. Steps will be taken to ensure that the alleged abuser does not have access to other participants or house mates and does not have unsupervised access to any individuals supported by Aldaview Services.
  - c. When an alleged abuser is an employee or volunteer, any continuing duties will be non-person related until the investigation is completed. A volunteer may

 Aldaview Services Abuse Policy	POLICY #:	P.D. 7.7
	PAGE:	6 of 9
MANUAL Aldaview Program Delivery	APPROVED BY:	Executive Director
ORIGINAL ISSUE: August 1, 2012 PAST REVISIONS: September 1, 2014	CURRENT REVISION:	June 25, 2020

be suspended as determined by the Executive Director or CEO of TCMH. An employee may be suspended with or without pay, as determined by the Executive Director or CEO of TCMH. If the allegation is against a non-employee member (i.e., family / friend / stranger) precautions will be taken to separate the individual from the alleged abuser. The agency will advocate on the individual's behalf.

- d. Aldaview Services will ensure that documents, records, employee and the abused person are available to Police for their investigation.
- e. Aldaview Services will ensure that the client who has made an allegation, or one is made in regard to them receives support from when the allegation is made, through the police investigation and continuing beyond the completion of the investigation as needed.
- f. Where necessary an advocate and / or interpreter will be made available for the individual if the person is incapable of making informed decisions.
- g. Handling a report - Employee's;**
  - i. Employees receiving the report or witnessing abuse will notify their Manager or the manager on call immediately
  - ii. If the employee believes that the person is at imminent risk, he/she will immediately inform the police of possible danger
  - iii. When receiving the report, will not ask leading questions or attempt to do an investigation. They are not to ask questions such as why, who, where or when as these are leading questions. They will not ask leading questions or engage the client in on-going conversation re the allegation.
  - iv. Will ask for guidance from their Manager/manager on call regarding the safety of the individual making the allegation
  - v. Will follow through to ensure that the individual is not placed at risk
  - vi. Will not discuss the allegation with the Manager (beyond the basics of the report) or with other employees (at all) until they have been interviewed by the police
  - vii. Will fully document the allegation once the phone calls have been made
  - viii. Will document both the client's allegation and their own questions to them
- h. Handling a report – Managers;**
  - i. Will collect information only for the purpose of "fact finding" and will stop at the point they have enough clarity re criminal intent to contact police.
  - ii. Any investigation by Aldaview will occur after police investigation is concluded. At the discretion of Aldaview Leadership the alleged abuser may be placed on a non-disciplinary suspension for the period of the investigation.
  - iii. Will meet with the employee who took the initial report to ensure that the employee is feeling supported and offer counseling services if necessary.
  - iv. Will ensure that the reporting employee is not subject to:
    - Workplace harassment;
    - Ostracism;
    - Threats;
    - Intimidation

 Aldaview Services Abuse Policy	POLICY #:	P.D. 7.7
	PAGE:	7 of 9
MANUAL Aldaview Program Delivery	APPROVED BY:	Executive Director
ORIGINAL ISSUE: August 1, 2012	CURRENT REVISION: June 25, 2020	
PAST REVISIONS: September 1, 2014		

**i. Handling a report - Agency;**

- i. Is responsible to report suspicions, allegations or witnessed abuse that may constitute criminal intent.
- ii. Will follow through with the Ministry's guidelines for reporting abuse to them
- iii. Will communicate, through training and orientation, that abuse will be reported
- iv. Will support employees through the process of reporting abuse by:
  - Ensuring that training on abuse happens on a regular basis
  - Ensuring that abuse policies and reporting protocols are regularly reviewed
  - Ensuring that employees who report abuse are not subject to ostracism or punishment
- v. Will review the abuse reporting procedure at a board level once yearly
- vi. Will develop a relationship with the local police force to discuss any issues of concerns or support
- vii. Will ensure support to the client where there is an allegation of abuse giving consideration to ways such as:
  - Ensuring access to supports such as counseling
  - Ensuring that the client is protected from ostracism or punishment by others
  - Where necessary help to facilitate moving the client to a different location within Aldaview or advocating for a placement with another agency

**6. Potential indicators of abuse:**

Rarely is any one indicator conclusive proof that a person has been harmed. In most instances, victims present with a cluster of behavioural and physical indicators. The following indicators are to assist employees in recognizing abuse or neglect. These indicators do not prove abuse has occurred. They are signs which should alert employees to the fact that abuse may have occurred.

**i. Physical Abuse**

**i. Physical Signs:**

- marks, welts, bruises, scratches, punctures, or cuts which are unexplained or are inconsistent with the explanation offered;
- marks or bruises on those parts of the body not generally injured in the normal course of play, work or recreation;
- loss of hair or a bald spot where the person may have been grabbed or pulled;
- broken / fractured bones (including skull) which are unexplained or inconsistent with explanation offered;
- Injuries that appear to be caused by an instrument used with force (i.e. hand, loop marks, etc.);
- burn marks or inflamed tissue on parts of the body which suggest scalding and which are either unexplained or inconsistent with the explanation offered;

 Aldaview Services Abuse Policy	POLICY #:	P.D. 7.7
	PAGE:	8 of 9
MANUAL Aldaview Program Delivery	APPROVED BY:	Executive Director
ORIGINAL ISSUE: August 1, 2012	CURRENT REVISION: June 25, 2020	
PAST REVISIONS: September 1, 2014		

- Adult-size human bite marks.
- presence of several injuries, bruises or broken bones that are in various stages of healing;
- ii. Behavioural Signs:
  - person cannot recall how injuries occurred or offers an inconsistent explanation;
  - may be wary of adults;
  - may cringe or flinch if touched unexpectedly;
  - may display a vacant stare or frozen watchfulness;
  - may be extremely aggressive or extremely withdrawn;
  - may display extremely indiscriminate affection-seeking behaviour;
  - May be extremely compliant and / or eager to please.
- b. Sexual Abuse:
  - i. Physical Signs:
    - difficulty walking or sitting;
    - unusual or excessive itching in the genital or anal area;
    - bleeding and / or bruising in the genital or anal area;
    - vaginal infection / discharge, not consistent with a medical problem;
    - venereal disease;
    - pregnancy
  - ii. Behavioural Signs:
    - engages in age-inappropriate sexual play with toys, self and / or others;
    - has bizarre, sophisticated or unusual sexual knowledge;
    - reports stories of sexual contact with adults or children;
    - shows a fear of or is seductive in behaviour towards members of the opposite sex;
    - engages in delinquent, promiscuous or running behaviour or in prostitution;
    - is depressed
- c. Emotional Abuse:
  - i. There are few physical indicators of emotional abuse, so care-givers should watch for behavioural signs such as:
  - ii. extreme lack of confidence;
  - iii. severe depression;
  - iv. a non-medical failure to thrive;
  - v. extreme passivity or aggressiveness;
  - vi. excessive need for attention;
  - vii. inappropriate adult behaviour or infantile behaviour;
  - viii. criminal or anti-social behaviour;
  - ix. frequent psychosomatic complaints, headaches, nausea, abdominal pains;
  - x. bowel and / or bladder incontinence
  - xi. self-injurious behaviour

 <b>Aldaview Services</b> Abuse Policy	<b>POLICY #:</b> P.D. 7.7 <b>PAGE:</b> 9 of 9
<b>MANUAL</b> Aldaview Program Delivery	<b>APPROVED BY:</b> Executive Director
<b>ORIGINAL ISSUE:</b> August 1, 2012 <b>PAST REVISIONS:</b> September 1, 2014	<b>CURRENT REVISION:</b> June 25, 2020

**7. Appropriate response/disciplinary action:**

After the police have completed their investigations, regardless of the outcome, Aldaview may choose to conduct their own internal investigation. If it is determined that an employee has been engaged in inappropriate misconduct, appropriate disciplinary action will be taken immediately. Using Aldaview’s established Human Resources policies and procedures and to fulfill its obligations under the law, Aldaview will determine the appropriate actions to be taken which may range from counseling to termination of employment. **Any employee who abuses a client will be dismissed.**

If during or as a result of the investigation(s) it is determined that abuse by an employee has not occurred, all documentation of the evidence gathered shall be given to the Executive Director and no such documentation or allegations of abuse will be placed in the employees personnel file.